

REMARKS

In response to the Official Action mailed April 23, 2003, Applicants provisionally elect Figure 13, which the Examiner erroneously identifies as a species of the disclosed invention. Claims 1-3 and 5-7 may be read upon that figure, so that those claims should be immediately examined. The Examiner acknowledged that claim 1 is a generic claim with respect to claims 1-7 and therefore claim 4 should be rejoined to the prosecution, pursuant to 37 CFR 1.141, upon allowance of claim 1.

In the Official Action mailed April 23, 2003, the Examiner asserted that no election had been made with respect to a single species. The Examiner's position is erroneous and is traversed. As pointed out in the prior response, Figures 10-13 are various cross-sectional views of the structure shown in Figure 9. Figure 9 is a described embodiment and, therefore, Figure 9 is a species "*Species are always the specifically different embodiments*", MPEP 806.04(c). All of Figures 9-13 pertain to the same species. Therefore, the Examiner's identification of particular figures in the Official Action mailed January 14, 2003 was, at best, incomplete. In order to advance the prosecution, Applicants make the same election made before although identify only a single figure in making the election.

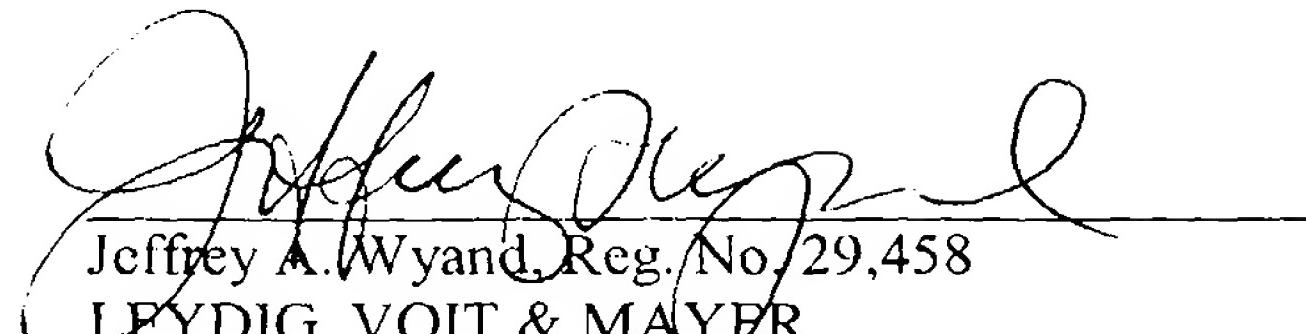
If the Examiner disagrees with this response, his detailed explanation of his grounds for identifying particular cross-sectional figures of described and claimed structures as separate species is respectfully requested so that full development of the issue can be provided for its determination upon petition.

Again, the election is made with traverse. In view of the subject of this patent application, there is no undue burden placed upon the Examiner in examining all of claims 1-7. Moreover, the examination of claims 8-12, along with claims 1-7, would represent no undue burden. Therefore Applicants respectfully request reconsideration and withdrawal of the species election requirement with respect to the disclosed and claimed invention.

In re Appln. of ABE et al.
Application No. 10/892,539

Prompt and favorable action on the merits are earnestly solicited.

Respectfully submitted,



Jeffrey A. Wyand, Reg. No. 29,458

LEYDIG, VOIT & MAYER

700 Thirteenth Street, N.W., Suite 300

Washington, DC 20005-3960

(202) 737-6770 (telephone)

(202) 737-6776 (facsimile)

Date: May 21, 2003
JAW/tph
Amendment or ROA - Regular (NEW 3/21/03)